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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,121	09/10/2003	Youssef Hamadi	305228.01	3556
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MICROSOFT CORPORATION ONE MICROSOFT WAY REDMOND, WA 98052-6399			EXAMINER LAM, HUNG H	
			ART UNIT 2622	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ntovar@microsoft.com

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### Office Action Summary

**Application No.**

10/659,121

**Applicant(s)**

HAMADI, YOUSSEF

**Examiner**

HUNG H. LAM

**Art Unit**

2622

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02/16/10.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 9-16, 19-30 and 37-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-16, 19-30 and 37-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/16/10 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to independent claims 1, 11 and 21 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-6, 9-16, 19-30 and 38-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention. "a subset of a library of potential matches, wherein the subset is less than the library of potential matches...

" in independent claims 1, 11, 21 and "wherein the first object does not identify the second object and wherein the selected subset of potential matches refers to objects that are not components of the first object" in dependent claims 37, 39 and 41 respectively are not described or shown in originally filed specification.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 11-20 and 39-40 are rejected under 35 U.S.C. 101** because the claimed invention is directed to non-statutory subject matter.

6. The claim recites, *inter alia*, "A computer program product ..." After close inspection, the Examiner respectfully notes applicant's specification discloses that "another implementation of a computer program product may be provided in a computer data signal embedded in a carrier wave..." (See Applicant's Publication section 0006).

An Examiner is obliged to give claims their broadest reasonable interpretation consistent with the specification during examination. The broadest reasonable interpretation of a claim drawn to a computer readable medium (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals *per se* in view of the ordinary and

customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal, *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter.

7. Therefore, given the silence of the disclosure and the broadest reasonable interpretation, the computer readable storage medium of the claim may include transitory propagating signals. As a result, the claim pertains to non-statutory subject matter.

8. However, the Examiner respectfully submits a claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation "non-transitory" to the claim. Such an amendment would typically not raise the issue of new matter, even when the specification is silent because the broadest reasonable interpretation relies on the ordinary and customary meaning that includes signals *per se*. For additional information, please see the Patents' Official Gazette notice published February 23, 2010 (1351 OG 212).

### ***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-6, 9-16, 19-30 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over He (US-2004/0,118,916) in view of Maynard (US-5949335).

With regarding **claim 1**, He discloses a method comprising:

requesting identification of a first object in association with a capture of an image (Fig. 2; RFID block; abstract; [0010-0011; 0027-0029; 0032-0033];

receiving a first identifier, responsive to the requesting operation, the first identifier identifying the first object in the image ([0029-0033]).

However, He fails to explicitly disclose selecting, based on the first identifier, a subset of a library of potential matches.

identifying a second object that is shown in the image separately from the first object using the subset of potential matches, the second object being identified by a second identifier that is different from the first identifier.

In the same field of endeavor, Maynard teaches an RFID tagging system having RFID tag that can be program to write different sets of data thereto Col. 1, Ln. 50-51). The RFID or transponder tag includes a first storage area for storing a first set of data uniquely identifying the transponder tag and a second storage area for storing a second set of data describing an asset and components within said asset (Fig. 3; see tag data and asset data; abstract; Col. 1, Ln. 53-57; Col. 4, Ln. 42-60; Col. 6, Ln. 21-Col. 7, Ln. 10). Maynard further teaches computer network assets include processor, workstation, monitors, printers, scanners, network servers and the components include hard drives,

floppy drives, CD ROM drives, modems, and all other equipments which can be sold within or added to a network asset (Col. 1, Ln. 59-65: Therefore, sold/ added equipments or components such that external hard drives, floppy drives, CD ROM drives, modems are encompassed by Maynard reference). Maynard further suggested that the printers, and scanners of such kinds of assets can also be supplied with transponder tags and EEPROM's (Col. 6, Ln. 40-41; sold/ added equipments or components and printers, scanners are inherently separated from computer network asset shown in Fig. 1). In light of the teaching from Maynard, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of He to include a second storage in an RFID tag in order to store information describing a plurality of external components such that external drives, floppy drives, CD ROM drives, modems and/or any other equipments and thus allow He's device to further select one of the plurality of data described in the second storage area of the RFID to identify other external components or sold/ added equipments (second object) that are attached to a computer network asset (first object). The modifications not only allow a single RFID tag to store information of all other objects/ external components or added/sold equipments that are added to a first object (computer network asset), but also allow the device to further identify all other objects/ external components or added/sold equipments surrounding a computer network asset.

He as modified by Maynard teaches wherein the subset is less than the library of potential matches (The limitation is broadly written and confused. Therefore, the examiner broadly interpreted this limitation as if searching by the subset is less time

than by searching for a whole library of potential matches. Col. 1, Ln. 53-65; Col. 6, Ln. 21-Col. 7, Ln. 10: Maynard teaches a second storage of the tag for describing the asset and its components or equipments. [0024]: He teaches to determine if the image data generated by the imaging engine corresponds with stored image data associated with the read RFID code. Therefore, it would have been obvious to modify the device o He to only limit a search to only images data associated with read RFID code including in a first and second storage RFID tag area of Maynard in order to reduce search time).

With regarding **claim 2**, He discloses the method of claim 1 wherein the first object is an active object, and the identifier of the active object is received from the active object (abstract; [0029-0033]: object inherently active in order for the RFID block to activate the object for receiving RFID signals).

With regarding **claim 3**, He discloses the method of claim 1 wherein at least one of the objects is a delegate object, and wherein the identifier of the delegate object is received from another object (abstract; [0005-0007]; Maynard: Fig. 3: see tag data and asset data ; [abstract; Col. 4, Ln. 42-60]).

With regarding **claim 4**, He discloses the method of claim 1 further comprising: capturing the image, wherein an image capture device performs the requesting, receiving, and capturing operations (Figs. 2-3; imaging 14; abstract; [0012; 0025; 0039; 0044]).



With regarding **claim 5**, He discloses the method of claim 1 further comprising:  
associating the identifier with the image ([0005-0008; 0020-0024]).

With regarding **claim 6**, He discloses the method of claim 1 further comprising:  
extracting a model associated with the identifier from a model library (Fig. 6; extract  
data module 616 and/or comparator module 608; abstract; [0056-0058]; Maynard:  
[abstract; Col. 4, Ln. 42-60]).

With regarding **claim 9**, He discloses the method of claim 1 further comprising:  
identifying a sub-portion of a model library based on the identifier ([0051-0057]);  
and

evaluating the image using a plurality of models in the sub-portion of the model  
library to identify objects in the image ([0012-0013; 0051-0057; 0060-0063]; Maynard:  
[abstract; Col. 4, Ln. 4-60]).

With regarding **claim 10**, He discloses the method of claim 1 further comprising:  
associatively storing with the image one or more parameters relating to the object  
identified in the image ([0005-0008; 0020-0024]; Maynard: [abstract; Col. 4, Ln. 42-  
60]).

With regarding **claim 11**, the claim contains the same limitations as claimed in claim 1. Therefore, claim 11 is analyzed and rejected as discussed under claim 1.

With regarding **claim 12**, the claim contains the same limitations as claimed in claim 2. Therefore, claim 12 is analyzed and rejected as discussed under claim 2.

With regarding **claim 13**, the claim contains the same limitations as claimed in claim 3. Therefore, claim 13 is analyzed and rejected as discussed under claim 3.

With regarding **claim 14**, the claim contains the same limitations as claimed in claim 4. Therefore, claim 14 is analyzed and rejected as discussed under claim 4.

With regarding **claim 15**, the claim contains the same limitations as claimed in claim 5. Therefore, claim 15 is analyzed and rejected as discussed under claim 5.

With regarding **claim 16**, the claim contains the same limitations as claimed in claim 6. Therefore, claim 16 is analyzed and rejected as discussed under claim 6.

With regarding **claim 19**, the claim contains the same limitations as claimed in claim 9. Therefore, claim 19 is analyzed and rejected as discussed under claim 9.

With regarding **claim 20**, the claim contains the same limitations as claimed in claim 10. Therefore, claim 20 is analyzed and rejected as discussed under claim 10.

With regarding **claim 21**, He discloses a system comprising:

a processor (Fig. 3; CPU 302 and/or micro controller 304);

a memory coupled to the processor ([0039]);

a signaling module (Fig. 2; RFID block) coupled to a digital capture device (imaging engine 14) requesting identification a first object in association with a capture of an image (abstract; [0010-0011; 0027-0029; 0032-0033]); the signaling module further receiving an identifier identifying the first object in the image, responsive to requesting identification ([0029-0033]).

However, He fails to explicitly disclose an identifying module configured to select, based on the first identifier, a subset of a library of potential matches, and to identify a second object that shown in the image using the selected subset of potential matches, the second object being identified by a second identifier that is different from the first identifier.

In the same field of endeavor, Maynard teaches an RFID tagging system having RFID tag that can be program to write different sets of data thereto Col. 1, Ln. 50-51). The RFID or transponder tag includes a first storage area for storing a first set of data uniquely identifying the transponder tag and a second storage area for storing a second set of data describing an asset and components within said asset (Fig. 3; see tag data and asset data; abstract; Col. 1, Ln. 53-57; Col. 4, Ln. 42-60; Col. 6, Ln. 21-Col. 7, Ln. 10). Maynard further teaches computer network assets include processor, workstation, monitors, printers, scanners, network servers and the components include

hard drives, floppy drives, CD ROM drives, modems, and all other equipments which can be sold within or added to a network asset (Col. 1, Ln. 59-65: Therefore, sold/ added equipments or components such that external hard drives, floppy drives, CD ROM drives, modems are encompassed by Maynard reference). Maynard further suggested that the printers, and scanners of such kinds of assets can also be supplied with transponder tags and EEPROM's (Col. 6, Ln. 40-41; sold/ added equipments or components and printers, scanners are inherently separated from computer network asset shown in Fig. 1). In light of the teaching from Maynard, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of He to include a second storage in an RFID tag in order to store information describing a plurality of external components such that external drives, floppy drives, CD ROM drives, modems and/or any other equipments and thus allow He's device to further select one of the plurality of data described in the second storage area of the RFID to identify other external components or sold/ added equipments (second object) that are attached to a computer network asset (first object). The modifications not only allow a single RFID tag to store information of all other objects/ external components or added/sold equipments that are added to a first object (computer network asset), but also allow the device to further identify all other objects/ external components or added/sold equipments surrounding a computer network asset.

He as modified by Maynard teaches wherein the subset is less than the library of potential matches (The limitation is broadly written and confused. Therefore, the

examiner broadly interpreted this limitation as if searching by the subset is less time than by searching for a whole library of potential matches. Col. 1, Ln. 53-65; Col. 6, Ln. 21-Col. 7, Ln. 10: Maynard teaches a second storage of the tag for describing the asset and its components or equipments. [0024]: He teaches to determine if the image data generated by the imaging engine corresponds with stored image data associated with the read RFID code. Therefore, it would have been obvious to modify the device o He to only limit a search to only images data associated with read RFID code including in a first and second storage RFID tag area of Maynard in order to reduce search time).

With regarding **claim 22**, He discloses the system of claim 21 wherein at least one of the objects is an active object, and the identifier of the active object is received from the active object (abstract; [0029-0033]: object inherently active in order for the RFID block to activate the object for receiving RFID signals; Maynard: [abstract; Col. 4, Ln. 42-60]).

With regarding **claim 23**, He discloses the system of claim 21 wherein at least one of the objects is a delegate object, and wherein the identifier of the delegate object is received from another object (abstract; [0005-0007]; Maynard: Fig. 3: see tag data and asset data ; [abstract; Col. 4, Ln. 42-60]).

With regarding **claim 24**, He discloses the system of claim 21 further comprising: an image capture module capturing the image (Figs. 2-3; imaging 14).

With regarding **claim 25**, He discloses the system of claim 21 further comprising:  
a registration module associating the identifier with the image ([0005-0008; 0020-0024]).

With regarding **claim 26**, He discloses the system of claim 21 further comprising:  
a model extractor extracting a model associated with the identifier from a model library  
(Fig. 6; extract data module 616 and/or comparator module 608; abstract; [0056-0058];  
Maynard: [abstract; Col. 4, Ln. 1-41]).

With regarding **claim 27**, He discloses the system of claim 21 further comprising:  
a model extractor extracting a model associated with the identifier from a model library  
(Fig. 6; extract data module 616 and/or comparator module 608; abstract; [0056-0058];  
Maynard: [abstract; Col. 4, Ln. 42-60]); and

an object matching module evaluating the image using the model to determine  
whether the object is in the image (face detection module 612 and/or comparator  
module 608; abstract; [0056-0058]).

With regarding **claim 28**, He discloses the system of claim 21 further comprising:  
a model extractor identifying a sub-portion of a model library based on the identifier  
([0057]; Maynard: [abstract; Col. 4, Ln. 42-60]).

With regarding **claim 29**, He discloses the system of claim 21 further comprising:

a model extractor identifying a sub-portion of a model library based on the identifier ([0051-0057]; Maynard: [abstract; Col. 4, Ln. 42-60]); and

an object matching module evaluating the image using a plurality of models in the sub-portion of the model library to identify objects in the image ([0012-0013; 0051-0057; 0060-0063]).

With regarding **claim 30**, He discloses the system of claim 21 further comprising:

an image storage module associatively storing with the image one or more parameters relating to the object identified in the image ([0005-0008; 0020-0024]).

With regarding **claim 37**, He discloses the method of Claim 1, wherein the first object does not identify the second object ([0049-0062]): He references encompass the limitations because the mystery object image and the wrong RFID tag code can not be used to identify the second object from the first object) and wherein the selected subset of potential matches refers to objects that are not components of the first object (Col. 1, Ln. 59-65: Maynard further teaches components include hard drives, floppy drives, CD ROM drives, modems, and all other equipments which can be sold within or added to a network asset).

With regarding **claim 38**, He discloses the method of claim 1, wherein the library of potential matches comprises visual image models, and the identifying the second

object comprises comparing the visual image models with the captured image to identify the second object (He also suggest various verifications processing by comparing captured image with stored image data including each side, view face, front and/or back and by the face determination module and extract data module in order to determine a potential match; He: abstract; [0050-0060]; Maynard: Col. 1, Ln. 53-65; Col. 6, Ln. 21-Col. 7, Ln. 10: Maynard teaches a second storage of the tag for describing the asset and its components or equipments).

With regarding **claim 39**, the claim contains the same limitations as claimed in claim 37. Therefore, claim 39 is analyzed and rejected as discussed under claim 37.

With regarding **claim 40**, the claim contains the same limitations as claimed in claim 38. Therefore, claim 40 is analyzed and rejected as discussed under claim 38.

With regarding **claim 41**, the claim contains the same limitations as claimed in claim 37. Therefore, claim 41 is analyzed and rejected as discussed under claim 37.

With regarding **claim 42**, the claim contains the same limitations as claimed in claim 38. Therefore, claim 42 is analyzed and rejected as discussed under claim 38.

### ***Conclusion***



11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG H. LAM whose telephone number is (571)272-7367. The examiner can normally be reached on Monday - Friday 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SINH TRAN can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hung H Lam/  
Examiner, Art Unit 2622  
06/19/10